

Message Text

CONFIDENTIAL

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ACTION SCI-06

INFO OCT-01 EUR-25 NEA-10 IO-13 ISO-00 ACDA-19 CIAE-00

INR-10 L-03 NSAE-00 NSC-10 RSC-01 SCEM-02 AEC-11

DRC-01 /112 W

----- 039644

R 071225Z SEP 73

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 6646

USMISSION IAEA VIENNA

AMEMBASSY BONN

USMISSION EC BRUSSELS

C O N F I D E N T I A L NEW DELHI 10460

E.O. 11652: GDS

TAGS: IAEA, TECH, ESTC

SUBJ: INDIA'S UNAUTHORIZED TRANSFER TO WEST GERMANY OF
NUCLEAR MATERIAL SUPPLIED BY US UNDER AGREEMENT FOR
COOPERATION

REF: BOMBAY 1756

FOLLOWING TEL FROM BOMBAY 1757 DATED SEPT 7, 1973
REPEATED YOU:

QUOTE

O 070557Z SEP 73

FM AMCONSUL BOMBAY

TO AMEMBASSY NEW DELHI IMMEDIATE 8143

C O N F I D E N T I A L BOMBAY 1757

E.O. 11652 GDS

TAGS: IAEA TECH ESTC

SUBJ: INDIA'S UNAUTHORIZED TRANSFER TO WEST GERMANY OF NUCLEAR
MATERIAL SUPPLIED BY US UNDER AGREEMENT FOR COOPERATION

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REF: BOMBAY 1756

1. AEC SECRETARY CALL ME LATE LAST EVE 6TH TO SAY THAT IN PURSUING MATTER FURTHER WITH HIS PEOPLE THEY HAD ADVANCED FOLLOWING RATIONALE IN EXPLANATION WHY THEY HAD NOT SOUGHT AGREEMENT ON TRANSFER NUCLEAR MATERIAL WEST GERMAN UNDER ARTICLE VII INDO US AGREEMENT FOR COOPERATION SINCE NUCLEAR MATERIAL TRANSFERRED WEST GERMANY MERELY FOR FABRICATION INTO FUEL BUNDLES AND RETURN THEREAFTER TO INDIA THEY HAD NOT CONSIDERED THIS A TRANSFER OUTSIDE JURISDICTION GOI WITHIN MEANING ARTICLE VII. THEY HAD INTERPRETED ARTICLE VII TO MEAN TRANSFER TO ENTITIES OTHER THAN INDIA. I NOTED THAT THIS WAS NOT OUR INTERPRETATION OR WE WOULD NOT HAVE REACTED AS WE DID.

2 SETHNA SAID HE NOT SAYING HE AGREED WITH THIS POINT OF VIEW BUT HE DID WANT ME TO KNOW RATIONALE EMPLOYED BY HIS PEOPLE. IN FACT HE SAID AS A RESULT OUR TALK HE HAD JUST INSTRUCTED HIS PEOPLE TO TELEPHONE WASHINGTON AND TO HOLD UP SHIPMENT TO WEST GERMANY OF 7 TONS OF URANIUM DIOXIDE WHICH INDIA HAD PURCHASED FROM NUCLEAR FUEL SERVICES UNTIL QUESTION US AGREEMENT UNDER ARTICLE VII RESOLVED. SHIPMENT WAS TO HAVE BEEN MADE TODAY HENCE IMPORTANCE HE SAID OF OBTAINING EARLY AGREEMENT USAEC TO THIS MOVEMENT TO GERMANY FOR FABRICATION INTO FUEL BUNDLES.

3. SETHNA ENTERED URGENT PLEA TO HELP HIM ARRIVE AT UNDERSTANDING WITH AEC ON ARTICLE VII IN ORDER AVOID ANY MISINTERPRETATION ITS TERMS AND ON THE MOST EXPEDITIOUS MEANS TO OBTAIN US AGREEMENT UNDER IT FOR TRANSFERS OF THE KIND UNDER DISCUSSION. HE SAID HE WOULD LIKE AT ALL COSTS TO AVOID TWO GOVERNMENTS GETTING INVOLVED IN A DEBATE OVER ARTICLE VII SINCE HE WANTED TO KEEP THE ATOMIC ENERGY CHANNEL OPEN AND UNIMPAIRED AS IN PAST.

WHILE HE DID NOT REFER TO DELHI SPECIFICALLY, HE IN EFFECT SAID HEAVEN HELP US IF WE DRAW THEM INTO THIS.
I TOLD SETHNA I WOULD TRY OBTAIN OUR VIEWS
FOR HIM SOONEST AND ASSURED HIM WE WOULD TRY BE HELPFUL. HE ALSO ANXIOUS TO UNFREEZE SHIPMENT NUCLEAR FUEL MATERIAL TO WEST GERMANY ASAP.
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4. SETHNA SAID HE WOULD TRY GET DETAILED REPORT TO ME AS SOON AS POSSIBLE TODAY AND WE WILL CABLE SUMMARY BUT BELIEVE THIS AND PREVIOUS CABLE PRETTY WELL REFLECT HIGHLIGHTS.
BANE UNQUOTE
SCHNEIDER

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NNN

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